

UNITED STATES DISTRICT COURT

Eastern District Court of California

Keith Holland, Clerk

Jenna Nelson, Chief Deputy

FILED

Jan 31, 2022

CLERK, U.S. DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

CLERK'S NOTICE

TO:

**Ray Brown, G-59434  
CSATF/SP - Corcoran  
P.O. 5242  
Corcoran, CA 93212**

Number:

NA

☐ REPLY TO:

Divisional Office  
2500 Tulare St. #1-500  
Fresno, California 93721

☐ REPLY TO:

Office of the Clerk  
501 I Street #4-200  
Sacramento, CA 95814

RE: Pleadings and/or Correspondence received on :

1/5/22

1:22-mc-00019-SAB



**E-FILING** : Pursuant to Standing Order of the Chief District Judge entitled "In Re: Procedural Rules for Electronic Submission of Prisoner Litigation filed by Plaintiffs Incarcerated", the document(s) can not be filed because your institution participates in the e-filing program with the court. Per the Standing Order, the document(s) is (are) returned unfiled and must be filed under E-Filing procedure with the Librarian/Litigation Coordinator. When filing documents under E-Filing procedures, please include this document (Clerk's Notice) with the e-filing documents.

Thank you for your future attention to this matter.

Deputy Clerk

1/5/22

Date

ATTN: CLERK OF COURT

PLEASE SEE DECLARATION ATTACHED HERETO

RECEIVED

JAN 31 2022

CLERK, U.S. DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA  
BY DEPUTY CLERK

DECLARATION OF RAY BROWN

I, RAY BROWN DECLARE.

1. I AM AN INMATE CDCR#659434 CURRENTLY HOUSED AT SUBSTANCE ABUSE TREATMENT FACILITY IN CORCORAN CALIFORNIA. I AM HOUSED ON DELTA FACILITY.

2. ON JANUARY 5, 2022 I SUBMITTED A 42 U.S.C. § 1983 COMPLAINT TO THE EASTERN DISTRICT COURT OF CALIFORNIA. ON 1-23-22 I RECEIVED THE COMPLAINT BACK UNFILED WITH INSTRUCTIONS TO FILE COMPLAINT VIA E-FILE.

3. DELTA FACILITY IS CURRENTLY ON QUARANTINE FOR REASON RELATED TO COVID AND I HAVE NO ACCESS TO LAW LIBRARY OR STAFF TO OBTAIN E-FILE FORMS OR FILE VIA E-FILE. THE LAW LIBRARY ON DELTA FACILITY IS CLOSED AND WILL REMAIN CLOSED UNTIL FURTHER NOTICE.

4. FOR THE PREVIOUS 6 MONTHS DELTA FACILITY HAS BEEN PLACED ON MODIFIED PROGRAM WHICH ONLY ALLOW INMATES WITH PRIORITY LEGAL USER (PLU) STATUS ACCESS TO THE LAW LIBRARY.

5. FOR THE PAST 6 MONTHS IT HAS BEEN VIRTUALLY IMPOSSIBLE TO ACCESS THE LAW LIBRARY ON DELTA FACILITY DUE TO MINIMUM CAPACITY AND (PLU) USERS BEING THE ONLY INMATES PROVIDED ACCESS. FOR THE PAST WEEK THE LAW LIBRARY HAS BEEN COMPLETELY CLOSED AND REMAINS THIS WAY TO DATE.

6. I AM NOT A (PLU) APPROVED INMATE SO EVEN WHEN THE LAW LIBRARY IS OPEN I AM STILL DENIED ACCESS.

7. I CURRENTLY HAVE NO ACCESS TO LAW LIBRARY TO OBTAIN THE APPROPRIATE DOCUMENTS AND LEGAL FORMS NECESSARY TO FILE MY COMPLAINT VIA E-FILE BECAUSE I AM ON QUARANTINE AS WELL AS THE ENTIRE DELTA FACILITY

8. I CURRENTLY DO NOT HAVE ANY OTHER METHODS TO FILE  
MY COMPLAINT OTHER THAN BY SENDING IT THROUGH MAIL BECAUSE  
STAFF, ~~AND~~ LAW LIBRARY, AND LEGAL FORMS ARE CURRENTLY  
UNAVAILABLE.

I DECLARE UNDER THE PENALTY OF PERJURY UNDER  
THE LAWS OF THE U.S THAT THE FOREGOING TO TRUE AND  
CORRECT AND I AM WILLING AND COMPETENT TO TESTIFY  
TO THE ABOVE IN ANY COURT OF LAW. I EXECUTE THIS  
DECLARATION ON THIS 26 DAY OF JANUARY 2022, IN CORCORAN  
CALIFORNIA.

---

RAY BROWN # 659

RAY BROWN  
CSATF/SP @ CORCORAN  
POST OFFICE BOX 5242  
CORCORAN, CALIFORNIA 93212  
CDCR I.D. NO: G-59434

In propria persona

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

RAY BROWN,  
PLAINTIFF,

V!

J. CURRY  
DEFENDANT

CASE NO: \_\_\_\_\_

COMPLAINT PURSUANT TO  
42 U.S.C. §1983

JURISDICTION

1) This action is brought pursuant to 42 U.S.C. §1983 jurisdiction proper under 28 U.S.C.. §1331 & 1343.

VENUE

2) All of the conduct giving rise to this claim alleged herein arose in Kings County of California. Therefore, venue is proper under 28 U.S.C. §1391(B)(2).

INTRODUCTION

3) This set of claims and for damages brought under federal laws against a prison officer for violation of Plaintiffs right to be free from retaliation protected by the First Amendment of the U.S. Constitution. Specifically, the Defendant retaliated on Plaintiff by submitting false disciplinary charges because Plaintiff had previously filed a complaint against him. The Defendant also inflicted physical injuries to Plaintiff by subjecting him to tight handcuffs for hours.

**RECEIVED**

JAN 05 2022

STATEMENT OF FACTS

4) On April 16, 2021, during yard release, Correctional Officer's Williams and Curry were walking door to door ordering inmates to "hurry up". Several inmates including myself was still getting dressed due to yard be announced late and unexpected. When Officer's Williams and Curry approached my door Officer Curry said, "Hurry up Brown" I replied, "I didn't get any warning and they haven't been running yard lately so I was not expecting it." Officer Curry then said "can't argue with that." Shortly after, Officer Williams said "hurry up and put your make-up on Brown," then he and Officer Curry began laughing. As the laughter continued Officer Curry stated "yeah, he needs alot of foundation." and the laughter persisted. During that moment I felt disrespected, offended, and humiliated so I hurried up and went outside. On my way outside I told Officer Williams, "I'm going to report you to PREA (Prison Rape Elimination Act), he shrugged his shoulder and said, "What am I supposed to be scared, do what you have to do."

5) On April 17, 2021, I submitted a CDCR 602 Grievance complaint against Officers Williams and Curry for sexual harassment regarding what transpired on 4/16/21. I was escorted to the program office by Correctional Sergeant Acosta and was interviewed by Investigative Service Unit Officer Palafox.

6) On April 20, 2021, as I was returning from morning pill call Officer Curry approached me aggressively and began yelling "you filed a PREA on me you fucking bitch." I backed away but Officer Curry continued to get in my face and said "turn the fuck around and cuff up." Officer Curry placed me in handcuffs so

that both of my wrists immediately became numb and I could no longer feel sensation in my hands. Officer Curry escorted me aggressively to the program office and said, "I'm going to write your ass up for this" while pushing me so forcefully I nearly fell to the ground. I was placed in the program office holding cell and Curry left the handcuffs on me. I respectfully asked him, "These cuffs are too tight and hurts bad can you remove them or at least loosen them?" Officer Curry ignored me and left the room area. I remained in the holding cell for over an hour and a half in severe pain and discomfort. I was then interviewed by Officer Palafox in which he instructed an officer to take off the handcuffs and told them that I should of never had them on. My wrists were red, swollen and had deep marks on them from the handcuffs being so tight so I went to medical for care but was refused treatment. I was later taken to medical by Sergeant Acosta but was not provided proper care so I notified my mother.

7) On April 21, 2021, my mother Corolyn Brown contacted prison officials complaining about the previous events and medical failure to provide me care. I was then called to the program office interviewed by Correctional Lieutenant Irvin. Following the interview, Lieutenant Irvin sent me to medical for further care in which I was examined by Nurse Mata.

8) The following day on April 22, 2021, I was called to the program office and served with a Rules Violation Report (RVR) submitted by Officer Curry alleging that on 4/20/21 Inmate Brown stated to me "I'm going to file a PREA charge against you for searching my cell."

9) On May 5, 2021, the Senior Hearing Officer (SHO) Lieutenant

R. Moreno conducted the disciplinary hearing regarding the RVR submitted by Officer Curry against me. During the hearing I asked Officer Curry "Did you approach me asking if I had made a PREA allegations after Officer Williams had informed you that I had?" Officer Curry answered "Yes." I then asked Officer Curry, "When did you search my cell?" He answered "April 16, 2021."

10) Lieutenant R. Moreno then dismissed all charges against me and stated in his findings "Subject filed a grievance on 4/17/21, against Officers Curry and Williams, which was prior to this RVR. In the interest of justice SHO elects to find subject not guilty/ case dismissed."

11) Despite the dismissal of the RVR, I still suffered from wrist injuries and being humiliated by Officer Curry in front of the entire prison population and afraid to file grievances out of fear of retaliation. To date, I experience pain in both of my wrist and have permanent scars.

#### CASUE OF ACTION

12) Plaintiff refers to and incorporates by reference herein the allegations of papagraphs 1 through 11:

13) Defendant Curry violated Plaintiffs First Amendment right to be free from retaliation in exercise of Federal protected rights guaranteed under the U.S. Constitution. In addition, Defendant Curry subjected Plaintiff to cruel and unusual punishment and violated Plaintiffs Eighth Amendment right.

14) Specifically, Defendant Curry retaliated against Plaintiff by submitting false disciplinary charges because Plaintiff filed a sexual harassment claim three days prior. Defendant Curry submitted false disciplinary charges against Plaintiff.

15) Specifically, Defendant Curry inflicted cruel and unusual punishment against Plaintiff when he spitefully placed Plaintiff in handcuffs extremely tight and forcefully escorted him to the program office causing him to nearly fall to the ground. Defendant Curry put handcuffs on Plaintiff excessively tight because Plaintiff had previously filed a complaint against him three days prior. Defendant Curry refused to remove or loosen handcuffs and kept Plaintiff in tight handcuffs behind the back for over an hour and a half, despite being secured in a holding cell.

#### PUNITIVE DAMAGES

16) Defendant Curry as specifically shown, has displayed a propensity and intentional will to act outside the scope of his duties as a Peace Officer. Therefore, with the evidence clearly shown, the Court must award punitive damages three times (Treble) the monetary compensation against Defendant Curry, as just and equitable casual connection to an official, that is out of control, lacking any suitable candor, and exhibits wanton displays of oppressive bullying and possible racism.

17) Plaintiff has met his burden by the preponderance of the evidence that Defendant Curry has shown conduct motivated by evil motive or intent or that involves reckless or callous disregard to Plaintiffs federally protected rights, acts or omissions which are malicious, wanton, or oppressive supports an award of punitive damages.

18) Defendant Curry retaliated against because: 1) Plaintiff filed a grievance complaint; 2) Defendant Curry took adverse action against him by submitting a false Rules Violation Report; 3) Defendant Curry took adverse action against Plaintiff to punish.



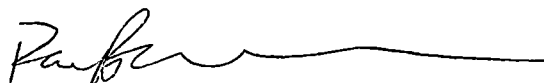
him for filing a grievance claim against him; 4) Defendant Curry's actions was intended to put fear in Plaintiff and prevent him from filing future claims; 5) Defendant Curry actions did not advance any correctional goals nor was his intentions based on any penological interest. In fact, Defendant Curry abused his authority and falsified legal documents which is unlawful and forbidden.

19) Defendant Curry acts, as alleged herein, resulted in cruel and unusual punishment and retaliation and knew that a disciplinary charge would deprive Plaintiff of priveleges and loss of credit. As a direct result of tight handcuffs Plaintiff now suffers from chronic pain to both wrist and has developed potential arthritis and permanent marks. In addition, Plaintiff suffered and endured physical, mental, and emotional distress and lives in daily fear of retaliation.

20) WHEREFORE, Plaintiff prays for a judgment against Defendant Curry as follows:

- 1) For general damages according to proof;
- 2) For special damages according to proof;
- 3) For punitive damages according to proof;
- 4) For reasonable attorney fees pursuant to:
- 5) For cost of suit; and
- 6) For any such other relief as the court may deem just and proper;
- 7) Demand for a Jury Trial.

I, Ray Brown declare under penalty of perjury pursuant to 28 U.S.C. §1746 that the foregoing is true and correct to the best of my knowledge and belief. Executed on this 30<sup>th</sup> day of Dec 2021, At California Substance Abuse Treatment facility in Corcoran, California 93212.

  
PLAINTIFF (In propia persona)

Name: RAY BROWNCDC No: G-59434Address: POST OFFICE BOX 5242CORCORAN, CALIFORNIA 93212**RECEIVED**

NOV 22 2021

CLERK, U.S. DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA  
BY [Signature] DEPUTY CLERKUNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

RAY BROWN

CASE NUMBER:

Plaintiff/Petitioner,

v.

APPLICATION TO PROCEED  
IN FORMA PAUPERIS  
BY A PRISONER

J. CURRY

Defendants/Respondent.

I, RAY BROWN, declare that I am the plaintiff in the above-entitled proceeding; that, in support of my request to proceed without prepayment of fees under 28 U.S.C. section 1915, I declare that I am unable to pay the fees for these proceedings or give security therefor and that I am entitled to the relief sought in the complaint.

In support of this application, I answer the following questions under penalty of perjury:

1. Are you currently incarcerated? XXYes   No (If "no" DO NOT USE THIS FORM)

State the place of your incarceration. CAL. SUBSTANCE ABUSE TREATMENT FACILITY

2. Are you currently employed (includes prison employment)?   Yes XXNo

a. If the answer is "yes" state the amount of your pay.   

b. If the answer is "no" state the date of your last employment, the amount of your take-home salary or wages and pay period, and the name and address of your last employer.

3. Have you received any money from the following sources over the last twelve months?

a. Business, profession, or other self-employment:   Yes XXNo

b. Rent payments, interest or dividends:   Yes XXNo

- c. Pensions, annuities or life insurance payments: ☐ Yes ☒ No
- d. Disability or workers compensation payments: ☐ Yes ☒ No
- e. Gifts or inheritances: ☐ Yes ☒ No
- f. Any other sources: ☐ Yes ☒ No

If the answer to any of the above is "yes," describe by that item each source of money, state the amount received, as well as what you expect you will continue to receive (attach an additional sheet if necessary).

4. Do you have cash (includes balance of checking or savings accounts)? ☐ Yes ☒ No

If "yes" state the total amount: \_\_\_\_\_

5. Do you own any real estate, stocks, bonds, securities, other financial instruments, automobiles or other valuable property? ☐ Yes ☒ No

If "yes" describe the property and state its value: N/A

6. Do you have any other assets? ☐ Yes ☒ No

If "yes," list the asset(s) and state the value of each asset listed: \_\_\_\_\_

7. List all persons dependent on you for support, stating your relationship to each person listed and how much you contribute to their support.

**This form must be dated and signed below for the court to consider your application.**

I hereby authorize the agency having custody of me to collect from my trust account and forward to the Clerk of the United States District Court payments in accordance with 28 U.S.C. § 1915(b)(2).

11/5/21  
DATE

[Signature]  
SIGNATURE OF APPLICANT

### CERTIFICATE

(To be completed by the institution of incarceration)

I certify that the applicant named herein has the sum of \$ 0.37 on account to his/her credit at CSATF (name of institution). I further certify that during the past six months the applicant's average monthly balance was \$ 39.70. I further certify that during the past six months the average monthly deposits to the applicants account was \$ 49.17.  
(Please attach a certified copy of the applicant's trust account statement showing transactions for the past six months.)

11/16/21  
DATE



THE WITHIN INSTRUMENT IS A CORRECT  
COPY OF THE TRUST ACCOUNT MAINTAINED  
BY THIS OFFICE.  
ATTEST:  
NOV 16 2021  
CALIFORNIA DEPARTMENT OF CORRECTIONS  
BY [Signature]  
TRUST OFFICE

[Signature]  
SIGNATURE OF AUTHORIZED OFFICER

Institution: SATF

## Inmate Statement Report

CDCR#	Inmate/Group Name	Institution	Unit	Cell/Bed
G59434	BROWN, RAY	SATF	D 001 2	234001

Current Available Balance: \$0.37

## Transaction List

Transaction Date	Institution	Transaction Type	Source Doc#	Receipt#/Check#	Amount	Account Balance
05/16/2021	SATF	BEGINNING BALANCE				\$0.07
07/14/2021	SATF	JPAY	0000000133015092		\$40.00	\$40.07
07/14/2021	SATF	RESTITUTION FINE PAYMENT	0000000133015092		(\$20.00)	\$20.07
07/14/2021	SATF	ADMINISTRATIVE FEE	0000000133015092		(\$2.00)	\$18.07
07/26/2021	SATF	KIOSK REQUEST			(\$3.50)	\$14.57
07/26/2021	SATF	SALES	65		(\$13.70)	\$0.87
08/04/2021	SATF	JPAY	0000000133678313		\$25.00	\$25.87
08/04/2021	SATF	RESTITUTION FINE PAYMENT	0000000133678313		(\$12.50)	\$13.37
08/04/2021	SATF	ADMINISTRATIVE FEE	0000000133678313		(\$1.25)	\$12.12
08/07/2021	SATF	KIOSK REQUEST			(\$0.50)	\$11.62
08/12/2021	SATF	SALES	12		(\$9.85)	\$1.77
08/23/2021	SATF	JPAY	0000000134284703		\$10.00	\$11.77
08/23/2021	SATF	RESTITUTION FINE PAYMENT	0000000134284703		(\$5.00)	\$6.77
08/23/2021	SATF	ADMINISTRATIVE FEE	0000000134284703		(\$0.50)	\$6.27
09/08/2021	SATF	JPAY	0000000134804097		\$50.00	\$56.27
09/08/2021	SATF	RESTITUTION FINE PAYMENT	0000000134804097		(\$25.00)	\$31.27
09/08/2021	SATF	ADMINISTRATIVE FEE	0000000134804097		(\$2.50)	\$28.77
09/09/2021	SATF	JPAY	0000000134824738		\$50.00	\$78.77
09/09/2021	SATF	RESTITUTION FINE PAYMENT	0000000134824738		(\$25.00)	\$53.77
09/09/2021	SATF	ADMINISTRATIVE FEE	0000000134824738		(\$2.50)	\$51.27
09/15/2021	SATF	SALES	32		(\$44.55)	\$6.72
09/25/2021	SATF	JPAY	0000000135307744		\$60.00	\$66.72
09/25/2021	SATF	RESTITUTION FINE PAYMENT	0000000135307744		(\$30.00)	\$36.72
09/25/2021	SATF	ADMINISTRATIVE FEE	0000000135307744		(\$3.00)	\$33.72
10/11/2021	SATF	JPAY	0000000135832720		\$60.00	\$93.72
10/11/2021	SATF	RESTITUTION FINE PAYMENT	0000000135832720		(\$30.00)	\$63.72
10/11/2021	SATF	ADMINISTRATIVE FEE	0000000135832720		(\$3.00)	\$60.72
10/12/2021	SATF	SALES	9		(\$49.05)	\$11.67
10/18/2021	SATF	KIOSK REQUEST			(\$7.00)	\$4.67
11/10/2021	SATF	LEGAL COPY	11/05/2021		(\$4.30)	\$0.37

## Encumbrance List



THE WITHIN INSTRUMENT IS A CORRECT  
COPY OF THE TRUST ACCOUNT MAINTAINED  
BY THIS OFFICE.  
ATTEST:  
NOV 16 2021  
CALIFORNIA DEPARTMENT OF CORRECTIONS  
BY: *[Signature]*  
TRUST OFFICE

## Inmate Statement Report

Encumbrance Type	Transaction Date	Amount
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\*\*No information was found for the given criteria.\*\*

Obligation List

Obligation Type	Court Case#	Original Owed Balance	Sum of Tx for Date Range for Oblg	Current Balance
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\*\*No information was found for the given criteria.\*\*

Restitution List

Restitution	Court Case#	Status	Original Owed Balance	Interest Accrued	Sum of Tx for Date Range for Oblg	Current Balance
RESTITUTION FINE	F09900676	Fulfilled	\$800.00	\$0.00	\$0.00	\$0.00
FINE PC 1202.45	F09900676	Active	\$800.00	\$0.00	\$0.00	\$800.00
RESTITUTION FINE	CRM028783	Active	\$1,920.00	\$0.00	(\$147.50)	\$1,259.63
RESTITUTION FINE	14CM7310B	Active	\$300.00	\$0.00	\$0.00	\$300.00



THE WITHIN INSTRUMENT IS A CORRECT  
COPY OF THE TRUST ACCOUNT MAINTAINED  
BY THIS OFFICE.  
ATTEST: NOV 16 2021

CALIFORNIA DEPARTMENT OF CORRECTIONS  
BY [Signature]  
TRUST OFFICE

Institution: SATF

## Inmate Statement Report

Start Date:	5/16/2021	Revalidation Cycle:	All
End Date:	11/16/2021	Housing Unit:	All
Inmate/Group#:	G59434		



THE WITHIN INSTRUMENT IS A CORRECT  
COPY OF THE TRUST ACCOUNT MAINTAINED  
BY THIS OFFICE.  
ATTEST: **NOV 16 2021**  
CALIFORNIA DEPARTMENT OF CORRECTIONS  
BY [Signature]  
TRUST OFFICE

PROOF OF SERVICE BY MAIL

BY PERSON IN STATE CUSTODY

(Fed. R. Civ. P. 5; 28 U.S.C. § 1746)

I, RAY BROWN, declare:

I am over 18 years of age and a party to this action. I am a resident of SUBSTANCE ABUSE  
TREATMENT FACILITY Prison.

in the county of KINGS,

State of California. My prison address is: P.O BOX 5242 CORCORAN, CA 93212.

On JANUARY 26 2022  
(DATE)

I served the attached: REQUEST TO PROCEED IN FORMA PAUPERIS; SIX (6) MONTH

CERTIFIED TRUST ACCOUNT STATEMENT; ~~RECEIPT~~ IN RE: BROWN V. CURRY

(DESCRIBE DOCUMENT) 42 U.S.C. § 1983 COMPLAINT  
DECLARATION OF RAY BROWN

on the parties herein by placing true and correct copies thereof, enclosed in a sealed envelope, with postage thereon fully paid, in the United States Mail in a deposit box so provided at the above-named correctional institution in which I am presently confined. The envelope was addressed as follows:


U.S. EASTERN DISTRICT COURT OF CALIFORNIA  
2500 TULARE ST.

FRESNO, CA 93721

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on

1-26-22  
(DATE)

  
(DECLARANT'S SIGNATURE)